


Commonwealth of Virginia		
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Andrew Kubincanek, Program Coordinator		
Administrative Law Advisory Committee		

SUMMARY
Administrative Law Advisory Committee
MSAPA/Hearing Officer Deskbook Work Groups
October 19, 2016
11:00 a.m.
House Room 2
The Capitol, Richmond

MEMBERS PRESENT: Eric Page (work group chair), Alex Skirpan, Kristi Wright, Roger Chaffe

MEMBERS ABSENT: Kristina Alexander, Brooks Smith

STAFF PRESENT: Andrew Kubincanek

Welcome and call to order: Eric Page called the meeting to order at 11:05 a.m.

Hearing Officer Deskbook Update: Mr. Page presented the revised Hearing Officer Deskbook and asked for any additional questions, comments, or recommendations. Kristi Wright stated that she had updated all the links and reviewed references. Alex Skirpan stated that he had reviewed the appendices and checked for any updated manuals, but found none. Mr. Page and Ms. Wright had also not found any new material. Mr. Page asked for public comment, and hearing none, made a motion to approve the Hearing Officer Deskbook for presentation to the full committee and the Code Commission. The motion passed unanimously. Ms. Wright informed the work group that the Office of the Executive Secretary plans to finalize the Hearing Officer Deskbook, along with changes to the Hearing Officer Rules of System Administration, for the Hearing Officer Training on December 2.

MSAPA Judicial Amendments: Mr. Page presented three drafts of a statutory change related to protective orders, closed hearings, and sealing all or parts of the hearing record when confidential information or trade secrets are involved. The change would amend § 2.2-4020.

Mr. Page also presented the group with code sections related to definitions of confidential information and trade secrets as they apply to the Freedom of Information Act (FOIA). Ms.

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Wright cautioned against applying the FOIA definitions. Mr. Page agreed that he did not want to create unintended consequences.

Mr. Page asked the group if the language should be included in the existing subsection C or moved to a new subsection D. The group expressed a preference for a new subsection D.

The group redrafted the language as follows: Upon the motion of the agency or of a party the presiding officer may conduct a closed hearing, issue necessary protective orders, and seal all or part of the hearing record as may be necessary to allow the agency upon issuance of its final case decision to comply with the provisions of § 2.2-4023. The group voted unanimously to present the language to the full committee. Ms. Wright abstained.

Mr. Lisk asked if the work group had completed its study. Mr. Page said he believed that it had and there would not be a need to reconvene the work group in 2017.

Public Comment and Adjournment: Mr. Page opened the floor for public comment. Hearing none, the meeting adjourned at 11:35 a.m.

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